

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:16-cv-00819-FDW-DCK

JUSTIN DRISKELL,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
SUMMIT CONTRACTING GROUP, INC.,	)	
	)	
Defendant.	)	
	)	

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THIS MATTER is before the Court on Defendant's Motion for Summary Judgment (Doc. No. 23). Plaintiff responded in opposition to the motion (Doc. No. 30), and Defendant replied (Doc. No. 31). Accordingly, this matter is now ripe for disposition.

The Court initially scheduled a hearing (Doc. No. 27) on the pending motion. Since the notice of hearing issued, the Court has further reviewed the pleadings, exhibits thereto, and applicable law, and determines that oral argument would not aid the decisional process in this matter. IT IS THEREFORE ORDERED that the hearing set for December 11, 2017, at 10:30 a.m. is CANCELLED. Accordingly, this Order issues on the pleadings.


After reviewing the briefs, exhibits, other pleadings, and applicable law, the Court finds genuine issues of material fact exist as to all of Plaintiff's claims. See Fed. R. Civ. P. 56. Defendant's motion for summary judgment is denied on all claims.

THIS MATTER shall proceed to trial by a jury with docket call to take place at 9:00 a.m. on January 2, 2018, a pretrial conference to immediately follow at 9:15 a.m., and jury selection to take place at 9:00 a.m. on January 3, 2018. Counsel and all parties shall be prepared to proceed to trial immediately following jury selection on January 3, 2018.

TAKE NOTICE that a pretrial conference in the above-captioned case shall take place at 9:15, immediately following docket call on January 2, 2018. The parties' **jointly-prepared** proposed pretrial order (see Doc. No. 10, pp. 8-14) shall be filed no later than Friday, December 22, 2017.

IT IS SO ORDERED.

Signed: December 5, 2017

  
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Frank D. Whitney  
Chief United States District Judge

